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AUTHOR	Moore, Jean J.: And Others
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ABSTRACT

The packet is designed to aid State Directors of Special Education in the Southwest Region in the development, initiation, implementation, or refinement of procedural safeguards for parents and children, with a specific focus on communication between parents of special needs children and state or local education agencies. A matrix outlines procedures, policies and general information from eight selected states (California, Connecticut, Iowa, Massachusetts, Michigan, New Jersey, Ohio, and Pennsylvania) on informing parents. The points covered on the matrix are discussed in relation to how different states respond to specific procedural safeguard issues in areas where federal law allows alternative approaches. In a paper titled "Parental Perceptions of Their Experiences with Due Process in Special Education--A Preliminary Report," S. Mitchell examines the expectations and characteristics of 25 families involved with due process concerning the education of their learning disabled, emotionally disturbed, gifted or speech impaired children in the state of Massachusetts. (SBH)

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Information Packet

on

Parents

Jean J. Moore, Program Specialist
JDee Birkeland, Graduate Assistant
Howard J. Whelan III, Graduate Assistant

March, 1979

H. Wayne Johnson, Director

Southwest Regional Resource Center

Department of Special Education

University of Utah

Salt Lake City, Utah 84112

Bureau of Education for the Handicapped
Office of Education
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U. S. Department of Health, Education and Welfare
Office of Education
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Introduction

Information Packet on Parents

According to the Education for All Handicapped Children Act (Public Law 94-142), parents of a handicapped child must be notified whenever the school plans to change, or refuses to change the child's identification, evaluation or placement or the provision of a free appropriate public education. Also, steps must be taken to insure that the parent is aware of the procedure, understands the notice he or she receives and knows what steps to take from that point.

The information in this packet was gathered from several sources to provide resources that would hopefully aid the State Directors of Special Education in the Southwest Region in the development, initiation, implementation or refinement of procedural safeguards for parents and children, with a specific focus on communication between parents and state or local education agencies.

Several types of information are contained herein:

A matrix outlining current procedures, policies and general information from eight selected states on informing parents.

A discussion of the points covered on the matrix concerning how different states are responding to specific procedural safeguard issues in areas where federal law allows alternative approaches.

A document which examines the expectations and characteristics of parents in 25 families involved with due process concerning the education of their learning disabled, emotionally disturbed, gifted or speech impaired children in the state of Massachusetts.

Available to the State Directors of Special Education in the Southwest Region only are samples of handbooks from various states designed to assist parents and guardians of children and youth who are handicapped. The information included helps parents obtain a better understanding of the responsibilities that the agencies have for the education of their children. The samples include:

DISTRICT OF COLUMBIA -- A Handbook for Parents and Guardians of Handicapped Children in the District of Columbia

HAWAII -- A Parents' Guide to the Right to Education for Your Exceptional Child

INDIANA -- Public School and the Special Child (Mental Health Association)

MINNESOTA -- Your Handicapped Child's Rights in Minnesota's Public Schools
a) A Handbook for Parents
b) Information for Parents of Students Who are Handicapped
c) A Special Child in Your Class: What a Teacher Needs to Know

NEW YORK -- Your Child's Right to an Education: A Guide for Parents of Handicapped Children in New York State

PENNSYLVANIA -- Pennsylvania Right to Education
Basic Education Circular 42-77 (includes forms for parent consent)

TENNESSEE -- Equal Education Opportunities for All
Series of five pamphlets on parent rights

UTAH -- 37,000 and 1 Reasons for Reading this Brochure

VERMONT -- Vermont's Special Education Opportunities: A Parent Guide for Handicapped Students

WYOMING -- Education Rights of Handicapped Children

Three national sources have also provided material included herein:

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE -- 504 Fact Sheet: Handicapped Persons Rights under Federal Law, March 1978

THE CHILDREN'S DEFENSE FUND -- 94-142 and 504: Numbers That Add Up to Education Rights for Handicapped Children -- A Guide for Parents and Advocates

NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION -- Parent Rights Card

Table of Contents

Introduction 1

Matrix . . . . . Separate

Discussion of Parents' Rights Issues from Matrix 1

Children's Rights 9

Parents' Rights 11

Parental Perceptions of Their Experiences With Due Process in Special Education: A Preliminary Report . . . 13

Discussion of Several Parents' Rights Issues

Issue 1: When and how are parents informed of their rights?

Parents should be informed of their rights at three stages. Each stage may require a different notification method and these methods may vary according to state requirements.

The first notification involves the state's "child find system." Some effort must be made to inform parents of handicapped children that their children are entitled to a free appropriate public education.

The law requires the state to insure that, "All children who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated." (§121a.128(a)(1))

The Minnesota Department of Education, Special Education Section, has published Reaching Out, a manual to assist the development of a public information system that will bring about awareness of the state's handicapped. The manual details effective ways to reach the people, such as through the mass media, publication programs, public information committees and the legislature.

National, state and local organizations often provide information manuals for parents. Such organizations include The Department of Health, Education and Welfare, the Children's Defense Fund of the Washington Research Project, Inc., the Coordinating Council for Handicapped Children, the National Committee for Citizens in Education, the Parents Union, and various mental health and advocacy agencies.

Besides the use of television, radio, and newspaper advertising, many states have produced pamphlets which are distributed in public places such as libraries and clinics, as well as through the schools. These pamphlets specify which children are eligible for services and what types of services are available. In addition, they indicate the person or office which the parent should contact for assistance.

The second notification comes when the state proposes to identify, evaluate or place a specific child. The law states that "written notice . . . must be given to the parents of a handicapped child a reasonable time before the public agency: (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or 2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child" (§121a505).

Parent notification at this stage may be accomplished in several ways with regard to legal requirements. Some states mandate the format of the notice and require the local agency to reprint the form exactly. Pennsylvania, for example, has developed a series of notices to be used by the local school district.

Some states produce sample forms which may be used or adapted by the local school district. Minnesota has developed a number of sample forms that include: a request for formal educational assessment, a notice of intent to conduct an educational assessment, a notice of refusal to assess, a notice informing the parent of a team conference, a notice detailing the individual education program plan, a notice prior to initiation or change of placement, a notice of refusal to initiate or change the program, and a report of the periodic review. The states which supply notices for the districts feel that this insures compliance with state and federal laws and regulations. In addition, proper forms provide for simplified compliance monitoring by both the SEA and BEH.

Many states leave notification to the individual districts which are then responsible to develop and distribute proper notices. Often a state's rationale for having districts develop their own notices is that the districts will be held accountable should hearings or litigation occur, and the districts should have the prerogative to develop their own notices.

Still other states have developed brochures which are sent to parents of children who have been referred for services. In addition, some states allow for the notification to be tape recorded or presented orally if the parent does not speak a written language or cannot read. The district must document such notification in writing.

The third notification of rights would occur if a parent requested a hearing. Prior to the hearing, both parties must be notified of all due process rights which will apply before, during and after the hearing. The hearing officer or an employee of the educational agency may contact the parent by telephone to inform him/her of the rights involved. In addition, a letter or brochure outlining these rights should be sent to the parent along with the notification of the time and place of the hearing.

Most parents are notified about programs for their children by mail. The letters include specific information about the process to be implemented, be it evaluation, placement or programming, and a list of parents' rights. Some letters are very formal, some more casual, but they all contain the rights of the parents during the process.

Brochures may either be included with the notices or disseminated to parents throughout the state. Brochure content varies from state to state, but all maintain the emphasis of providing helpful information to parents. Here is a brief summary of brochure content:

> Some brochures contain definitions of special education terms useful to a parent. These terms may be helpful at an Individualized Education Program (IEP) meeting where professionals from various fields are present along with parents.
>
> A description of the IEP may be included along with an indication of what population is served by special education. This helps a parent identify specific problems which might require referral.
>
> Besides explaining placement options available to a child, many brochures list agencies throughout the state where parents might receive help. Some lists name state and local agencies along with specific personnel who work with special education. Advocacy agencies, free or low-cost legal aid and agencies with related services also may be included in the list.
>
> Some brochures provide sample letters for parents requesting specific services or hearings. Hearing rights are included in many brochures.

Tennessee has developed a series of brochures which inform a parent of the opportunities and rights of handicapped children. They are short and easy to read and cover important elements.

Hawaii has printed a brochure which answers the following specific questions: "How is my child registered and identified?" "What do I do after testing?" "Who do I turn to for help?" "What is right for my child?" and "What more can I do?"

Connecticut and Arizona have published brochures written in both Spanish and English, which detail the child's right to an education.

Minnesota has printed separate brochures for parents, teachers and principals, detailing handicapped students' rights. In addition, a handbook for parents has been published which explains the laws and how they relate to specific needs of children.

Most state departments of special education are happy to provide copies of their brochures on request. These may be useful in planning a new brochure.

Issue 2: Who informs parents of their rights?

The responsibility of informing parents of a specific child of their rights rests with the local education agency because the LEA is in direct contact with the parent. As noted in Issue 1, some states have a format which the LEA must use to inform parents of their rights. It is still, however, the responsibility of the LEA to see that these notices are properly distributed. In other states, notification is left entirely to the LEA.

Although individual districts generally inform parents about their rights, some states have developed programs which supplement the general notification system.

In Connecticut, rights information is sent to all parents, not just to parents of referred handicapped children. Connecticut has established a special education resource center which provides information to parents on any aspect of a handicapping condition and on rights. Other methods include the appointment of a parent assistor and training sessions to help parents more fully understand their rights.

Michigan schools use an Educational Planning and Placement Committee to prepare the individualized educational program for a child. It is usually the responsibility of the committee chairperson to inform parents of their rights. In general, the responsibility rests on the school district, which may be either the local or the intermediate school district. Massachusetts has a separate agency, the Bureau of Special Education Appeals, which works jointly with the LEA to inform parents of their rights when a child is referred for evaluation.

Issue 3: How do states disseminate information about where to obtain an independent evaluation, legal services or other relevant services?

The law states "Each public agency shall provide to parents, on request, information about where an independent educational evaluation may be obtained" (§121a.503(a)(2)) and "The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if: (1) The parent requests the information; or (2) The parent or the agency initiates a hearing under this section" (§121a.506(c)).

The local education agency is generally responsible for providing information concerning independent evaluations, legal services and other relevant services to the parents. This is particularly true if such services are easily available locally. If the local area cannot provide such services, information may be provided through the state education agency.

As with notification of rights, some SEAs have prepared models which the LEA can use by adding the names and addresses of organizations. Pennsylvania provides space on its notification of rights for such information. The LEA reprints the state notice and fills in the blanks which have been provided. Each form must list organizations which provide inexpensive legal counsel, organizations providing independent evaluations, and the local chapter of the Pennsylvania Association for Retarded Citizens (PARC). While Pennsylvania state law requires that parents be referred to PARC, other states may include listings of advocacy groups for several handicapping conditions.

Some state education departments provide brochures informing parents of other agencies which can be of service to a handicapped child, such as charitable organizations, advocacy and parent groups, and other government agencies.

Issue 4: What steps are taken to insure that parents "understand the content of the written notice?"

The intent of the law is for parents to understand not only their rights, but also any communication they receive concerning their children. Notification should be "written in language understandable to the general public." It may be necessary to explain the information to the parent verbally, either by telephone or in person. The notice should be "provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so."

The states surveyed provided information by several methods to assure understanding, including multilingual interpreters, parent assistors, advocacy groups, parent training, etc.

Issue 5: How does a parent learn the hearing request method?

Several methods are used to request a hearing. Some states include a space on the form which notifies the parent of placement. If the parent wishes to request a hearing, he/she merely checks the appropriate space and returns the form to the school. Most states (and federal law) require that the parent request the hearing in written form. Some states provide a form letter which the parent should complete to request the hearing. One state requires the parent to formally file an affidavit with the state educational agency.

Issue 6: Do you encourage parents to be represented by a lawyer at a hearing? Do most parents bring a lawyer?

Parents ultimately decide whether or not they wish to be represented by a lawyer at a hearing. Many parents elect to have either legal counsel or a representative of an advocacy group to advise them.

In Massachusetts, parents with a knowledge of special education and the ability to represent themselves in an organized manner often represent themselves. Parents are advised to consult first with advocacy groups and then with the state office. In 1978 in Massachusetts, 37% of the parents had been represented by advocates and 38% by lawyers, while 25% represented themselves.

Michigan has a strong group of advocacy organizations. For example, the Michigan Association for Children with Learning Disabilities (MACLD) employs a full-time advocate. This advocate is available to attend a hearing with any parent who is a member of the MACLD, which has open membership. Some parents select advocates from the Michigan Association for Retarded Citizens (MARC) or another advocacy group. Most parents in Michigan use these advocates in place of lawyers.

Iowa makes it a policy to provide parents with information concerning legal counsel. A parent is often referred to a legal aid society.

In Pennsylvania parents in urban areas are often represented by lawyers while parents in rural areas sometimes are not.

It is the education agency's responsibility to inform the parent of free or low-cost legal or other relevant services when the parent requests a hearing. Advocacy groups who provide counsel and advice to parents may be included.

Issue 7: May the child be served without parent consent?

The law states that "(b) Consent. Parental consent must be obtained before: (1) Conducting a preplacement evaluation; and (ii) Initial placement of a handicapped child in a program providing special education and related services. (2) Except for preplacement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child. (c) (1) Where State law requires parental consent before a handicapped child is evaluated or initially provided special education and related services, State procedures govern the public agency in overriding a parent's refusal to consent. (2)(i) Where there is no State law requiring consent before a handicapped child is evaluated or initially provided special education and related services, the public agency may use the hearing

procedures in §121a.506-121a.508 to determine if the child may be evaluated or initially provided special education and related services without parental consent. (ii) If the hearing officer upholds the agency, the agency may evaluate or initially provide special education and related services to the child without the parent's consent, subject to the parent's rights under §121a.510-121a.513" (§121a.504).

A parent's refusal to consent to evaluation or placement for the student is covered by individual state laws which vary considerably. According to some state regulations, if the parent does not return the consent form, consent is inferred. LEAs in these states must document their attempts to contact the parent. It should be noted that this refers only to cases where the parent does not sign and not to those cases where the parent signs indicating refusal.

Many states encourage the LEA to initiate due process proceedings only in cases of severe educational neglect or when a child desperately needs services.

PL 94-142 provides for the initiation of a due process hearing by the educational agency for the child if the state law does not specifically mandate consent. If the law mandates signed parental consent, then the educational agency must follow state procedures for overriding the parent's refusal.

Children's Rights

According to the Rules and Regulations for the Education for All Handicapped Children Act (Public Law 94-142), handicapped children have the right:

1.	to a free, appropriate public education	121a.300
2.	to placement in the least restrictive learning environment, as much as possible with non-handicapped children and, whenever possible, at the same school they would attend if not handicapped	121a.550 121a.552
3.	to the availability of a number of alternative settings if attending a local public school is not possible	121a.401 121a.551
4.	to the variety of programs offered to non-handicapped children including nonacademic and extracurricular services and physical education	121a.305 121a.306
5.	to be placed in a program as near as possible to his/her home	121a.522
6.	to at least an annual review of placement	121a.552
7.	to placement based on the Individualized Education Program	121a.552
8.	to an evaluation in which no single procedure is used as the single criterion for determining programming	121a.532
9.	to an evaluation by a multidisciplinary team including at least one teacher or other specialist with knowledge in the area of suspected disability	121a.532
10.	to an evaluation in the child's native language or other mode of communication	121a.532
11.	to an evaluation using tests validated for the specific purpose for which they are used and appropriate for the particular handicapping conditions manifested by the child	121a.532

12.	to testing, evaluation materials and procedures which are selected and administered to prevent racial or cultural discrimination	121a.530
13.	to participate in the meeting at which the Individualized Education Program is written, when appropriate	121a.344
14.	to service in a private school when referred by the public agency	121a.400
15.	to the same rights while in a private school as a child has who is being served by a public agency	121a.401
16.	to be represented by a surrogate when no parent can be identified or found or if the child is a ward of the state	121a.514
17.	to remain, during an administrative or judicial proceeding, in their present educational placements or to be admitted to a public school if the complaint involves application for initial admission to a public school	121a.513
18.	to privacy and confidentiality of all their personal records, etc.	121a.572

Parents' Rights

According to the Rules and Regulations for the Education for All Handicapped Children Act, parents of handicapped children have the right:

1.	to receive the following information in the written notice: a) an explanation of all procedural safeguards b) a description of options considered and the reasons why these options were rejected c) evaluation procedures d) other relevant factors	121a.505
2.	to notice written in language understandable to the public and in the native language of the home	121a.505
3.	to provide written consent before the child is initially evaluated	121a.504
4.	to provide written consent before the child is initially placed in a special education program	121a.504
5.	to an independent education evaluation if the parents feel that the school's evaluation is inappropriate	121a.503
6.	to an evaluation at public expense if a due process hearing decision is that the evaluation by the public agency was inappropriate	121a.503
7.	to participate on the committee which considers the evaluation, placement, and programming of their child	121a.344
8.	to have the meeting held at a mutually agreed upon time and place which is convenient to the parents	121a.345
9.	to inspect and review educational records and challenge information that is believed to be inaccurate, misleading, or in violation of the privacy or other rights of the child	121a.562 121a.567

10.	to request a copy of information from their child's educational record	121a.562
11.	to request a hearing concerning the school's proposal or refusal to initiate or change the identification, evaluation or placement of their child, or the provision of a free appropriate public education	121a.506
12.	to be informed of any free or low-cost legal and other relevant services available in the area	121a.506
13.	a. to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children b. to present evidence and confront, cross-examine and compel the attendance of witnesses c. to prohibit the introduction of any evidence at the hearing that has not been disclosed to them at least five days before the hearing d. to obtain a written or electronic verbatim record of the hearing e. to obtain written findings of fact and decisions f. to have the child who is the subject of the hearing present g. to open the hearing to the public	
14.	to appeal the hearing decision to the state education agency	121a.509
15.	to bring civil action if not satisfied with the appeal decision	121a.511

RIEP PRINTS

PARENTAL PERCEPTIONS OF THEIR EXPERIENCES WITH DUE PROCESS IN SPECIAL EDUCATION: A PRELIMINARY REPORT*

Sibyl Mitchell

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STUDIES IN LEARNING POTENTIAL

Milton Budoff, Director
RESEARCH INSTITUTE FOR EDUCATIONAL PROBLEMS, INC.
29 Ware Street, Cambridge, Massachusetts 02138
Telephone (617) 868-0360-2

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*The preliminary report which follows discusses the expectations and characteristics of the parents in 25 families involved in due process hearings regarding the education of their exceptional children. The hearings were held under Massachusetts Chapter 766 which went into effect on September 1, 1974, thus preceding in time Public Law 94-142. The paper is included in this information packet, however, because it provides insight into the parents' point-of-view following what was seen by them as violations of their rights or of their children's rights. This preliminary report is reproduced here with permission.

Foreword

The following paper with an appendix of verbatim quotes, is an early report of the interviews with parents, and is included to indicate some of the personal flavor of the parental response to involvement in the appeals process, an involvement whose seeds were sown during the course of the evaluation and program planning process. The paper was presented at the American Educational Research Association meetings in April, 1976, and is an impressionistic account of the first 25 interviews with parents who had been at the hearings. These were parents who volunteered to talk, when permission was requested, and who were overflowing with feeling about the process. The paper presents their feelings but the context within which they were given must be appreciated. These were parents who sometimes initiated long detailed conversations about their experiences even on the telephone call setting up the time for the interview. They are, by and large, articulate, well educated men and women, who have become very involved in the education of their otherwise bright children. These children have experienced very great difficulties in academic achievements from early in their school careers. These are parents for whom being a good student is a very important value they hold for their children, since it also represents some significant feature of themselves. Their sense that the school has not been properly appreciative of their child's lack of sufficient progress and attainment and their investment in school success for their children has resulted in a strong sense of urgency in their struggle with the schools for the programming promise they expected from the idealism embodied in Chapter 766. They are not a typical and representative sample of parents. The paper is interesting however because it does graphically portray the plight of less articulate parents who similarly feel that their child is not getting the best possible shake, as promised by the rhetoric of Chapter 766.

A second cautionary note about this paper must be made. The events these parents are concerned with occurred during the earliest months following implementation of Chapter 766. The schools were not geared up for the very different style of performance required by the Act; their evaluation teams were not in place, and they did not know how to write educational plans that met the dual tests of comprehensiveness and specificity. Parental expectations, spurred by the rhetoric, and the reticence of the schools to admit candidly that they were caught short, resulted in, and continues to result in confrontations that go far beyond the intent of most parents. It is not clear to us at this point how much the negative image of the schools painted by the parents is due to the failure of the schools

to be more candid, and more appreciative of the great expectations set up for the parents by the public relations efforts surrounding the act--in brief, that the schools were simply not prepared for their responsibilities. The subsequent defensiveness of the school personnel did not enhance a process of communication, but tended to result in a process of confrontation. In considering this situation, Budoff, Mitchell, and Kotin (1976) comment on the need for schools to learn better how to translate the rhetoric of parent-school involvement into operational terms, real demonstrations of respect by the school for the parent's situation, their concerns for their child, their real understanding of their own child, and their usual history of frustration in trying to exact from a bureaucracy that which is their due--a meaningful program relevant to their child's special needs.

It is with these sentiments that we reprint this paper so that school personnel reading from it may better come to appreciate the parents' situation of concern for their child, rather than reading the statements as a wholesale indictment of the schools' operational practices. It may be hard for a school-oriented constituency to admit, but there are still very many schools that do exemplify the worst of the statements contained within this paper. But there are many, many schools for whom these statements are not relevant. If human nature runs true to form, it is the latter who will read these statements and become angry, and the former schools that will either never read them, or never see its application to their practices.

Milton Budoff
January, 1977

Parental Perceptions of Their Experiences With a Due Process in Special Education: A Preliminary Report[1]

Sibyl Mitchell
Research Institute for Educational Problems
Cambridge, Massachusetts 02138

"Schools have all the time, all the personnel, all the help they need, and when they know that the school committee has already said that they won't pay for any private placements, then they feel as though they can act any way they want."

Due process procedures have been incorporated into special education legislation and litigation in an effort to insure parents their rights under these new statutes. The intent was to encourage those parents whose rights had traditionally been neglected to have an avenue of redress through which they could voice their complaints before an impartial hearings officer. Hopefully, this would lead to decisions which would place those children in educational programs designed specifically to address their special needs. In Massachusetts, parents were, for the first time, given the opportunity actively to participate in the school's core evaluation team in helping to design an appropriate educational plan.

The due process system was incorporated to assure that the rights of parents and children would not be violated. The Research Institute for Educational Problems (RIEP) has undertaken research to investigate the extent to which persons are taking advantage of their new rights to participate and rights to appeal. A major component of the research design being employed is a study of families who had availed themselves of the mechanisms of appeal under Chapter 766.

A sample of twenty-five user-parents has thus far formed the basis for intensive interviews. These interviews were designed to explore the prehistory of the families' relationship with the school, the expectations held by parents when they heard about Chapter 766, those leading up to the hearings, the hearing itself, and its aftermath. It was also intended to discover characteristics of families who used the system and the types of experiences which lead families to avail themselves of the appeals process. From our initial interviews a distinct picture is beginning to emerge.

Our underlying hypothesis is that parents who use the hearings process exhibit a set of characteristics based on the interaction between some characteristics of parents, some characteristics of school behavior and the quality of communication between the two. For example,

there might be two sets of parents with the same characteristics which we hypothesize would prompt parents to request a hearing. If the communication with school personnel has been nonadversial and open, and if the school has done a quality evaluation and program prescription, those parents will not request a hearing because they will be able to work in cooperation with the school to develop an appropriate program for their child. If communication with the school becomes highly charged and adversial, and if the school has not done a good evaluation or developed an adequate program based on that evaluation, parents with similar characteristics will request a hearing. Under these circumstances, we expected parents with high socio-economic status to be more likely to be users of due process, because we expected high SES to be a predictor of a higher level of education, more money to spend on independent evaluations or other appropriate testing, on the services of an attorney or other counsel and expert witnesses to represent them at a hearing. We also expected that parents with a higher educational level would be better able to understand or to know where to seek knowledge of the subtleties of the law, their child's handicap and the position of the school in relation to their diagnosis and program prescription.

Other parent variables were designed to deal with the parents' belief system. We asked what the parent thought his/her child's needs are and what the expectations were for that child. We asked what parents saw as the future possibilities for the child and what they expected would happen to the child in his/her current educational placement. These variables were designed to test the hypothesis that parents holding high levels of expectation regarding the quality of education offered by the public schools would make greater demands on the school and be more likely to request a hearing, if their demands were not met.

Research on social change indicates that empathy is an important variable for those who accept change in its early stages. Extending this principle to due process in special education as innovative social change, we expected parents with a high degree of empathy to be more likely to be users. Empathy was measured in terms of people's ability to see their situation generalized beyond themselves.

Finally, we asked a series of questions designed to determine the psychic and dollar cost to parents of their experience with an adversial due process system.

To summarize, we considered the following variables for parents to be key: beliefs about the child and education in general, attitudes concerning the child's needs, a sense of empathy, technical competence to understand the law, their child's needs and the school's position.

We considered the following school variables: quality of the evaluation, development of an educational plan which followed from the evaluation, the quality of communication, including the process of information dissemination, the steps from child evaluation to hearing, the attitudes of the school displayed toward the child and parents, and the schools' intent to comply with Chapter 766.

Key communication variables between school and parent considered were ease and number of opportunities for communication between parent and school, shared perception of the child's needs and definitions of adequacy for programming.

Based on the above model, we would predict that parents who are high on all the parent variables will request a hearing if there is low quality of communication between them and the school, and if the school is low on the variables outlined for schools.

Socio-economic status of parents was determined along the variables of highest level of education achieved and occupational classification. Our first finding was that socio-economic status alone was not significant in determining whether a parent would request a hearing or not, given poor quality of communication with schools and poor score on the part of schools in performing evaluations and prescribing appropriate programs. From our data we found one father and one mother with less than a high school education, five fathers and nine mothers whose highest level of education was high school graduation, seven fathers and eight mothers held a B.A. degree, three fathers had received an M.A. but no mothers, and three fathers and one mother held a Ph.D. degree.

Of the fathers, four were professionals, four were in business, six were in white collar office jobs (engineers, etc., excluding business), five were in skilled or unskilled laboring jobs. Sixteen of the mothers were housewives, three were returning to finish college or pursue advanced degrees, two were employed as social worker, and educator.

Although our original hypothesis did not indicate that socio-economic status alone would determine whether a parent would or would not request a hearing, we did postulate attitudes which would be significant. We have found this set of expected attitudes did exist in all the families of our sample.

Our sample included 80% male children, 20% females. The average age of children represented in the sample is 11, the range spanning 7 to 21. Of these, 75% were children whose special needs were described

by the parents as learning disabled, 20% were described as emotionally disturbed, 5% gifted or speech impaired. Parents expressed that they had known of their child's disability for an average of six years. A closer look at the data showed that most parents became aware of the child's disability sometime during his/her first grade year. Of these, 75% of the parents had tried from their first knowledge of the child's disability to get some additional help within the school to address the child's specific needs. This contact was, except for the very youngest children in the sample, prior to the enactment of Chapter 766. With the enactment of Chapter 766, 72% of the parents got an independent evaluation in addition to the school's evaluation, and prior to the meeting of the core evaluation team. After attempting to get additional help from both the school and outside sources, and after repeated efforts to get the school to draw up an adequate educational plan or even to call a core evaluation team meeting, 45% of the parents felt compelled to withdraw their child from the public sector and seek placement in a private program which they considered appropriate.

Of the group of parents who withdrew their child, all expressed the concern that without additional extra help, their child would fall further and further behind, would perhaps become a school drop-out, or suicidal if he/she continued in the public school placement. These parents were the group who had the greatest length of contact with the school, had for many years been trying to get the school to develop an adequate program, had finally lost faith and felt their child had reached a critical juncture.

Fifty-five percent of the parents expressed a desire to have their child in a public school and a strong belief in public education. Their reasons for withdrawing the child were because the school staff said they never had time to meet with parents, the school treated the parents as trouble makers, the school delayed beyond the timelines specified in the regulations for developing a plan, the school did not keep the parents posted on the progress of the child, even though the parent had requested it. Of this group, 70% felt they were correctly informed about the nature and severity of their child's special needs; it was their treatment of them as parents, basically the quality of communication which became damaged. The other 30% of this sample felt that the schools had misrepresented the severity of the child's handicap--that his/her problem was primarily emotional when the parent's independent evaluation had described the major problem as a learning disability with an emotional overlay.

Of the other 45% who expressed the attitude that they felt their child could only get a good education in a private school, all also felt that the public school had grossly misrepresented the nature of the

child's problem, the severity of the problem, and had consistently provided inappropriate educational programs which caused the child to fall further and further behind his/her classmates.

Close to 100% of parents had visited schools frequently, to see the facilities, to discuss specifics of the program with the teacher, to coordinate home activities and to discuss the child's progress. Before the Core Evaluation Team (CET) meeting, 33% of parents had been active in trying to work with the school to try and draw up adequate plans for their children.

In answer to the question, what do you think a good education should consist of, 50% said that it should be one which develops one's creative potential, half of those in addition stated that they thought it should provide a stimulating intellectual environment. Forty-five percent, many of them overlapping the above, felt that it should prepare the child for an advanced education. Of the 60% who felt that an education should prepare the child for a job, 50% of these felt this was the sole measure of a good education.

To compare these data with the expectations parents felt for their child's future, we found only one parent who was unclear about what he/she expected for the child's future. Sixty percent of the total population expressed the desire that their child live up to his/her creative potential, 80% expressed the concern that their child lead a normal life, of these, 25% expressed this as their only concern. Twenty percent of the total population were concerned solely with their child getting a job, all of these feeling that getting a job was also the measure of a good education. Fifty percent stated that they foresaw college as part of the child's future.

All parents felt that if they had accepted the inappropriate educational plans proposed to them by the school, that the expectations for their child's future and their expectations of what an education should provide were not being fulfilled, regardless of what their expectations or hopes may have been.

All but one parent had an independent evaluation of their child. In 67% of those cases, the school's evaluation did not disclose the child's special needs, or was incomplete in its diagnosis. In 12% of the cases, the school suggested that the parents get an independent evaluation for their child, and in the other 12% the parents had gotten the independent evaluation before the enactment of Chapter 766, and the schools were willing to accept this evaluation. In all but two cases, the parents felt that the program was developed simply because it was a program the school would be able to deliver. They did not feel that it had been designed to address the specific needs of their

child. The other two people did feel that their child's special needs were considered by the school. However, they felt that although the school had good intentions, it did not understand their child's problem.

In addition, 75% of the parents felt that the schools' response to Chapter 766 had been a negative one. More specifically, they felt that schools tried to ignore the law, were purposefully in non-compliance, misinformed parents or withheld information altogether. Eighty-five percent of the parents experienced delay tactics on the part of the school which meant non-compliance with the timelines set by the regulations. Parents relate a series of delaying and manipulative tactics on the part of schools which they felt were consciously engineered to discourage them from pursuing their requests. Although schools had a year to "gear up" before implementation of their new programs, many parents who had requested cores in the spring of 1974, had not received educational plans by the time their child was to begin school that fall. All parents experienced trouble in the core team meeting--meetings scheduled at times when it was impossible for them to attend, meetings changed at the last minute by schools, not once, but many times. Often parents changed long-standing family plans or returned from vacations only to find the school postponing the core meeting yet another time.

In all but three cases, the school's behavior at the core meeting discouraged parent participation. Parents were made to feel they were not qualified to help in developing an educational plan, or that they might just as well not have been at the meeting at all. The other three said that, although the school did let them participate, it was largely a matter of courtesy. When they received the completed educational plan, their suggestions had been ignored. Every parent felt that he/she was qualified to participate at that meeting, 80% of these feeling that they had specific knowledge of their child's needs which would uniquely qualify them to help in drawing up the educational plan. These parents had taken specific steps to gain expertise in the area of their child's special needs. These included extensive reading of books, taking courses, and being active in local chapters of related special groups. Three of these were certified experts prior to the meeting in the area of their child's special needs (learning disabilities specialists and a trained child psychologist who was a parent with an emotionally disturbed child). One mother expressed it this way:

"When I went to other people's evaluation, as an advocate, everyone was nice and polite to me; I would say this is the law, and they would say, 'Yeah, you're right.' But then when I went to my own hearing I would say this is the law and they'd say, 'Yeah, shut up, you're just a parent.' No one paid any attention to me."

Twenty-five percent of the total population felt that some members of the CET were unqualified to draw up an educational plan for their child. All of these parents also were in the highly educated bracket, holding an M.A. degree or higher.

In addition, every parent expressed the feeling that the underlying concern with the school was a financial one. Some schools even expressed this overtly.

"At the hearing the school said we had a nerve trying to get a free ride."

"The school doesn't want to spend any money; this is a penny-pinching town."

"At every meeting I went to I had the question of money thrown at me."

"Money, money, money, that's all I heard."

"When I heard that schools wouldn't pay for any private school placements, no matter what the circumstances, I just broke down and cried. We've been hoping for something for so long."

Up until the CET meeting, all parents expressed high hopes in being able to work with the school in being able to develop an adequate educational program for their child. Even after all the negative experience with the school, all parents but one felt that they would much rather have negotiated with the school than go to a hearing. The one exception was a parent who had had eleven years of adversial buildup with school personnel, plus negotiation sessions which had failed in the past.

Parents stated that they only requested a hearing after they had received a plan which did not contain those components they had felt should be contained in the plan, and which they had expressed to the school. Some parents stated that they had continued attempts to negotiate, in a few instances requesting help from an officer from the regional office. When these attempts failed, they felt compelled to request a hearing, although no parent did so except as a stated "last resort."

Seventy-five percent of those who requested a hearing did so with the firm expectation that they could win, expressing that the issues were so clear cut, and the history of dealings and noncompliance on the part of the school were so blatant that the facts would speak for themselves.

Thirty-three percent of parents felt that the hearing centered around a single issue, this being the school's unwillingness to admit that their own programs are inadequate, and the school's expressed refusal to reimburse for private placements in adequate programs. Other parents viewed the hearing as centering around a composite of issues including the school's unwillingness to develop any adequate programs for special needs children, school and parent disagreement about the nature of this particular child's special needs, and the fact that the child is getting older and the parent can no longer wait for the school to try to develop a possibly adequate program.

Going into the hearing, all parents felt nervous, scared, and apprehensive about the nature of the hearing. Only two parents stated that they felt determined to win; one parent was sorry at the last minute that they had gone as far as a hearing. All were unsure about the character of the hearing they were about to attend. In 67% of the cases, at the hearing itself, the hearing officer succeeded in making the parties feel more comfortable and at ease; in 33% of the cases, nothing happened to change their initial feelings of fear and apprehension. These same 33% also stated that the school was belligerent and the hearing officer seemed incapable of controlling the hearing. All of the parents stated that the school's testimony differed in some way from what they had expected. In 85% of these instances, the differences including the school changing the plan presented at the hearing, claiming a loss of evidence or bringing in or presenting new evidence previously unknown to the parents. In 25% of the cases, the school was said to have falsified the progress of the child. In 25% of the cases, the school acted considerably more belligerently at the hearing than the parents had anticipated, for example, by being rude to parents and calling them liars. Other examples are illustrated by the following questions:

"All of a sudden at the hearing the school said all her [the child's] problems were caused by our [the parents'] unwillingness to send her to public school. They ignored all the tests saying that she had severe brain damage--suddenly, it was us against them."

"The director of special education laughed in my face and said you haven't read my published material when I asked her what the qualifications of the different teachers were."

"The school's attorney argued that we wanted our child in a private school for social prestige even though he knew that we have five other children in public schools."

The school had told parents in 20% of the cases that the hearing was to be informal, but when the parents came to the hearing without counsel or witnesses, prepared for an informal discussion, they found

the school armed with town counsel and a battery of witnesses prepared to argue the case in the most legalistic manner. In the parents' view, the two most difficult obstacles to overcome in the school's presentation were the fact that the school had the money and resources to bring in counsel and as many witnesses as they wanted to, and the schools very early learned to write plans that were in compliance on paper, but which the parent was convinced either did not fit the child's need, or were impossible for the school to deliver. One parent, an experienced businessman and president of a company, who was led to believe that the hearing was to be informal, stated afterwards, "The state's not in your corner either. Here's the lonely citizen fighting a lonely battle. The school brings in all its big guns, and the hearing is so disorganized an average lawyer can't do his job."

Regardless of whether the parents won or lost their hearing, all but one parent felt that the hearing officers were fair and impartial, and that they did a good job in bringing out relevant information. The parent who disagreed happened to be one who had received the decision in favor of the school on the day of the interview, which may have prejudiced his perception.

Only fourteen families had received their decision by the time of the interview. Of these there were eight who felt they had won, six who felt they had lost. Of those who did win, 80% felt their child had progressed, often dramatically, in the present program. Of the six who lost, two are in Superior Court having been appealed by the school, one is going into a second hearing, the parent appealing the initial decision. In this case, the decision of the hearing officer was not implemented by the school and the parents have asked for a second hearing. Another parent has appealed his case to the state Advisory Commission.

In terms of financial cost to parents, 85% of the parents stated that this was a very costly procedure, quoting figures up to $4,000. Costs incurred included attorney fees, paying for independent evaluations, paying for expert witnesses to appear at the hearing, time lost from jobs, duplicating costs, and long distance telephone calls. Fifteen percent of parents spent a moderate amount of money.

Without exception, all parents related massive psychic cost to themselves and their families. Twenty-five percent complained of excess nervousness, severe anxiety attacks and enormous disruption of normal family routines. Another 25% of the population suffered from excess nervousness and disruption of family routine. Others complained only of excess nervousness (20%). In 15% of the families, one or more family members became physically ill as a result of their nervousness and anxiety. In a final 15% a chaotic disruption of normal family routines was the only effect mentioned.

When asked what specific changes occurred in the family as a result of this experience, we coded the following responses: 80% underwent a process of self-education related to their child's special need. All of these also felt an extension of state funding would make the schools more agreeable to developing innovative and adequate programming for special needs children. The other two families felt that nothing would improve until school personnel radically changed their attitudes and approaches to the education of special needs children.

From this initial set of interviews of parents in Massachusetts, a distinct picture is beginning to emerge. Although the sample is still relatively small, our initial hypotheses seem to have been borne out by our data. We may have erred in assuming high SES to be an indicator of attitudes, but the set of variables which we suggested would be present in parents who asked for a hearing have been accurate. The composite picture indicates that the parents' view of educational goals for the child may vary, but all parents felt that the schools had a definite responsibility to fulfill the goals they held for their own children, whether it be job preparation or higher education. The attitude of these parents is that the schools are not providing something they strongly feel their child deserves in terms of adequate programming. The enactment of Chapter 766 merely exacerbated the problem because it instilled a new hope in parents that schools would finally be forced under the law to do something for their children.

Parents who continued their appeal through the hearing itself consistently expressed a strong feeling of personal efficacy, although they felt drained by the process and weren't sure they would be willing to go through it again. Parents also, either through prior knowledge, self-education or courses, made themselves technically competent to challenge the school's position. Parents also expressed a great empathy towards other parents with special needs children, a generalizability of their position, and a desire to help, which was expressed in a variety of ways from returning to school to becoming a trained parent advocate to starting a local MACLD chapter.

Schools we found involved in the hearings process were ones who had been low on the variables for school we had selected. The quality of the evaluations generally was disputed by parents, the uncooperative nature of communication between school and parent often obfuscated or resulted in withheld information. The beliefs the school held about the child's special needs, or at least the ones related to the parents, differed from the parent's view of their child. The attitudes displayed by the school toward parents were consistently negative, including rudeness, lying and generally treating parents like troublemakers or unqualified intruders. In particular, parents expressed doubts about the school's intent seriously to work at developing appropriate programming for their own children or for special needs children in general.

Finally, the quality of communication between parents and schools was consistently bad, and deteriorated during the process. It became more negative, highly charged and adversarial. Parents consistently pinpointed the Core Evaluation Meeting as the turning point in their attempts to deal positively with the school. From that point on they felt communication had broken down so severely that their only recourse was to request a hearing.

We intend to continue to interview parents who go through the hearing process to test whether our early data are consistently valid for a larger sample of parents. We also intend to interview a sample of parents who have accepted educational plans to see what characteristics adhere to that population. Our tentative hypotheses are that parents who score low on the parent variables we have tested will not request a hearing and will accept poor educational plans, particularly if the school scores low on school variables and the communication between school and parent is of poor quality. For example, if the school consistently uses "cooling out" tactics with parents. Significantly, all the parent users have come either from areas of suburban Boston or small western towns. Bureau of Special Education Appeals statistics show that out of a total of more than 250 hearings held, only four have been from Boston.

Another component of our research will involve interviews of selected school personnel on a case-to-case basis in order to develop an overall picture of the similarities and differences in the perceptions of the process from the perspective of schools and parents.

Parents consistently and strongly expressed concern about the degree of adversarialness which builds up between themselves and the school. They also expressed the opinion that if additional state funding for special needs children were available, they would have a better chance of working cooperatively with the school to develop better programs for their children. In order to help neutralize feelings, the need for help from an outside negotiator who steps in early in the process to help both parties in information sharing becomes more and more evident. The real possibility for additional state funding for special education is a much more difficult question, particularly in light of the present budgetary situation in Massachusetts.

We must remember that Chapter 766 is a very early experiment in an innovative conception of educational planning which involves the participation of parents as central figures for the first time, as well as addressing the way children are served in the public sector in a new way. Parents who take advantage of their rights to due process are probably entrepreneurial in nature and will not reflect the population of later users. In this sense, these early years are crucial ones. Whether this set of parents succeeds in wakening the

school's responsiveness will be a strong determinant of patterns of future use, and the degree to which the promise of this special education reform will be fulfilled.

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[1]Presented at a symposium entitled "Due Process in Special Education" at the American Educational Research Association meetings, San Francisco, California, on April 8, 1976. This work was supported by Grant G007502322 entitled, "Due Process in Special Education: Legal and Human Perspectives" from the Bureau of Education for the Handicapped of the Office of Education, DHEW, to the Research Institute for Educational Problems (RIEP) under the direction of Milton Budoff, Ph.D.

APPENDIX A

Verbatim Quotes from Parents

Thoughts on 766

"766 has changed the question of education considerably; it has put the gun at the school's head."

Expectations

"We thought there would be a greater airing of the issues; we felt that 766 might finally force the schools to come up with a good program for our son."

"The school said you don't really need a lawyer, it will be informal. It turned out to be a more legalistic affair than we had expected, so we were unprepared."

"Even though it was supposed to be informal, when they said stuff about subpoenas and transcripts and witnesses, I was very scared. I thought it might be like the trials in the movies."

"A parent is expected to be a special teacher, a psychologist, a reading specialist, everything, because she has to defend what she wants for her child against all those people."

Retrospect

"I would never go through it, it just isn't worth it. I had hoped that even if I didn't get a good plan for my son that I would open the way for other children to get good educations, but now I think it's hopeless."

"You know, I thought 766 would provide a 'special' education for Lisa, I thought it would finally get someone to devise a plan that met the special needs of Lisa. I didn't expect her to get individual treatment; in fact, I hoped she would be with other children. It seemed that the plan they had for Lisa didn't even take her into account. It was like they had a special program and tried to shove her into it, instead of the other way around."

"We requested a CORE in the summer but it wasn't done, so we pulled Sharon out."

"We didn't feel competent to question the educational plans."

At the CORE

"I didn't understand what the words meant and everyone there seemed so smart. When I asked a question they made me feel so dumb. I just clammed up from then on."

"Sullivan tried to prevent parent participation."

"When I went to other people's evaluations, as an advocate, everyone was nice and polite to me, I would say this is the law, and they would say 'Yeah, you're right.' But when I went to my own hearing I would say this is the law and they'd say, 'Yeah, shut up, you're just a parent.' No one paid any attention to me."

"I called up Dr. T and asked him to cancel the CORE meeting and I said I could come on any of the other dates he had mentioned to me. But they went ahead anyway and had the CORE without me."

"The school agreed at the CORE that Sharon's emotional state did not warrant bringing her back to school. Later they said that we (the parents) had exaggerated her emotional state and that we were responsible."

"No one had ever seen my son except for the day of tests. No one knew him."

School and Money

"At the hearing the school said we had a nerve trying to get a free ride."

"The school doesn't want to spend any money; this is a penny-pinching town." (Milton)

"At every meeting I went to I had the question of money thrown at me."

"Money, money, money, that's all I heard."

"When I heard that Wellesley schools wouldn't pay for any private school placements, no matter what the circumstances, I just broke down and cried. We've been hoping for something for so long."

School and Parents

"I tried to negotiate, but everyone left for the summer, a week after the hearing, so I waited and went out in September, but nobody would change the plan." (Boston)

"Boston was unwilling to meet and talk, so then I thought what else can I do? I had better go to a hearing. It had been a year from when I requested the initial evaluation."

"At Needham they make the program sound good on paper, but they have no intention of carrying it out. They say start with what's available in Needham instead of starting with what the child needs."

"The school makes parents feel uncomfortable and unwelcome."

"The school never told me about summer programs, where to go for an evaluation or other facilities that are available in the city."

"I have been to the school several times to see what they're doing, and to see if there are things I can do at home to help out. When it came time for the hearing, nobody in the school would talk to me or help me; they would not let me in the classes."

"We visited the classroom (resource room) and it was terrible. There was no teacher there, kids were on the floor, the files were left open, etc."

"We tried to negotiate with schools to the end but it failed. They seemed completely unwilling to try and work something out, in the end, I think both parties suffered from it."

Witnesses and Evidence

"The school lost most of [my] child's records."

"The school introduced evidence at the hearing that I had never seen before."

"The school introduces a new plan as the educational plan, and told me that the first plan had disappeared."

"The original plan contained a lot of details I would have been able to use. Things about L's reading problems, about her history in school, books and facilities she could have used, but they said (Weston) the first plan had been misplaced and no copies were available."

"The doctor who did the evaluation was very convincing. I felt afterward that maybe if he had been able to attend the CORE that the plan might have been different. It really helps to have live witnesses."

"All of a sudden at the hearing, the school said all her problems were caused by our (the parents) unwillingness to send her to public school. They ignored all the tests saying that she had severe brain damage--suddenly, it was us against them."

"Schools have all the time, all the personnel, all the help they need, and when they know that the school committee has already said that they won't pay for any private placements, then they feel as though they can act any way they want."

"The director of special education laughed in my face and said you haven't read my published material when I asked her what the qualifications of the different teachers were."

"The school's attorney argued that we wanted our child in a private school for social prestige even though he knew that we had five other children in public schools."

What parents are expected to be and how they must be prepared

"Must be tough and informed." "Parents have to be aggressive."

"Must have counsel to look out for the parents and to understand and present the tests and the problems with the school's plan."

"I think it helps to have counsel even if you know the law yourself. Often it's a question of egos; an advocate can help you by challenging the school, without causing more hurt feelings."

Cost to Parents

"We would be happy one day, withdrawn, pensive and sad the next and then happy again another, depending on what we felt the outcome would be. It took so long, that we were constantly going up and down."

"Well, I haven't been able to find a job because I just know when I can work, everything is always being rescheduled, cancelled and continued. Working on getting both my children good plans has been a full time job."

"My daughter's school cost $4,000+ a year so I have had to take on two jobs, which means I don't have as much time to attend to my other child's needs."

Child's Future

"Juvenile delinquents/dropouts often dyslexic; long term cost to state @ $800,000."

"No expectations, I just want my child to become interested in something. I can't stand to see her look so disinterested, so dead to everything."

"We just hope he will be successful at something."

Time Sequence

1. CORE in March 1975, plan rejected on May, 1975, hearing November 1975, decision February 1976.

2. Asked for CORE in October 1974; finally received on in March 1975 (because both the school and Children's Hospital lost records); plan drawn in May 1975; hearing ended March 1976; plan received _____.

3. "They cancelled the hearing 4 times, all the day before it was scheduled. Each time I was crawling up the walls. I was prepared to go in and then they'd call up at dinner the night before, and cancel. Jesus, it happened so many times."

4. Requested CORE June 1974; December 5 CORE hearing requested July 3, 1975; hearing February 2, 1976. No decision as of March 8, 1976.

Improvements--Negotiation

"System needs refining to respect 766; now if it is implemented it is mostly a snow job."

"You need vital, competent, interested personnel in the schools, so that an adversary system doesn't develop."

"The process has got to go faster; they should hire more people to speed up the process."

"The school needs to provide help for a child in the first and second grade so it never gets to the point of schools and parents fighting over what should be done, when the child is 13 or 14 years old."

"If parents and school negotiated, a better plan for the child could probably be devised, much less painfully."

"Well, first should be able to try to talk with the schools and come up with something you both can agree on, because that's really the best. You avoid hurt feelings that way, and also the school knows things that can help the child, which one may forget later, in a hearing, because tensions are so high."

"The hearing was the last alternative for me, but I didn't want to go to it even after my terrible experience at the CORE, I thought it would be a lot better if I could have just sat down and talked to the other people."

" really didn't want a hearing, but I tried to talk to the people in Weston and I tried to be nice, and at times I even got nasty but they kept telling me the same thing. Maybe if you could have someone sit in on those kids of discussions who was impartial, they could work. That would be a lot better than going through a hearing."

"By the time it gets to a hearing everyone is inflexible; what you need to do is stop it from getting that far."

Person Contacted: ISSUES:	Dr. Eunice W. Cox Consultant Office of Sp. Ed. Sacramento, CA	Robert I. Margolin Bureau Chief Sp. Ed. Services State Dept. of Ed. Hartford, CT	John Lanham Chief, Title VI-B EHA Div. of Sp. Ed. Iowa State Dept. of Public Instruction	
1) When and how are parents informed of their rights?	At the time of referral, LEA-produced materials are distributed to parents.	Material is sent to all parents indicating their rights (not just to parents of handicapped children who have been referred). The material includes; 1) Dept. of Ed. brochure series including an eightfold booklet in English and Spanish 2) Direction Service brochures 3) LEA materials	Before parents give consent for planning and initial placement, they receive state-produced, written notification. Oral explanations are available on request.	
2) Who informs the parents of their rights?	LEA	1) State Dept. of Ed. parent/agency liaison person 2) Sp. Ed. Resource Center provides information on rights 3) LEA 4) Parent assistor 5) Parent training sessions	1) 15 LEAs provide special education services, explain rights and responsibility 2) State director 3) IEU state directors	
3) How does your state disseminate information on obtaining an independant evaluation, legal or other relevant services?	LEA (through use of SEA-developed procedural model for developing IEP).	LEA disseminates information upon parent request.	Through the 15 IEAs and advocacy groups.	
4) What steps are taken to insure that "the parent understands the content of the written notice"? 121a505	LEA arranges meeting between parents and responsible professional personnel to clarify the written notice.	Clarification comes through: 1) Parent/agency liaison person 2) Sp. Ed. Resource Center 3) LEA personnel 4) Parent assistor 5) Training sessions	If parents do not understand written notice (for any reason) the rights are fully explained orally.	

Person Contacted: ISSUES:	Carol Kervick Director Bureau of Sp. Ed. Appeals Boston, MA	Dr. John Braccio Supervisor for Compliance & Approval Sp. Ed. Services Michigan Dept. of Ed.	Kenneth Koehli Chief Classification Officer Div. of School Programs Bureau of Sp. Ed. & Pupil Personnel Trenton, NJ	
1) When and how are parents informed of their rights?	When the initial request for an evaluation is made, the Bureau of Special Education sends a detailed notice to parents.	Mainly at EPPC meetings (Educational Planning and Placement Committee), but also at other times in the procedure. Intermediate-level (county) forms are sent as well as LEA materials.	Upon referral for possible identification, parents receive a complete copy of administrative code. After child is classified and upon evaluation of the IEP, parents receive a complete copy of the N.J. code.	
2) Who informs the parents of their rights?	LEA	1) Intermediate level (county) personnel 2) LEA (local unit) 3) EPPC chairperson	1) LEA 2) SEA chief classification officer through inservice workshops for parents 3) Advocacy groups	
3) How does your state disseminate information on obtaining an independant evaluation, legal or other relevant services?	1) State distributes brochures to parents 2) Parent groups disseminate information	1) LEAs according to the availability of services 2) Michigan Association for Children with Learning Disabilities (MACLD) 3) SEA	SEA distributes list of approved independent evaluators. SEA responsible for listing legal council, relevant services and parent groups.	
4) What steps are taken to insure that "the parent understands the content of the written notice"? 121a505	1) A number of multilingual interpreters are available 2) Clarification by regional representative in prehearing conference.	Varies depending on the situation	1) SEA-trained parent advocacy groups 2) LEA-based Child Study team works with parent.	

Person Contacted: ISSUES:	S. J. Bonham, Jr. Director Division of Sp. Ed. Ohio St. Dept. of Ed.	Linda O' Connor Asst. for Right to Education Bureau of Sp. Ed. Harrisburg PA		
1) When and how are parents informed of their rights?	At the initial evaluation phase, parents receive LEA-produced materials.	The LEA is required to send State-produced materials prior to initial evaluation, prior to re-evaluation, and prior to placement or change of placement.		
2) Who informs parents of their rights?	LEA	LEA through use of SEA-provided notices.		
3) How does your state disseminate information on obtaining an independent evaluation, legal or other relevant services?	1) Through individual LEA-prepared Hearing Manual for parents. 2) Informal dissemination through parent groups.	LEA required to list area services.		
4) What steps are taken to insure that "the parent understands the content of the written notice? 121a505	Oral and written notices in the native language of the home.	Inclusion in the IEP meeting.		

Person Contacted: ISSUE:	Dr. Eunice W. Cox Consultant Office of Sp. Ed. Sacramento CA	Robert I. Margolin Bureau Chief Sp. Ed. Services Hartford, CT	John Lanham Chief, Title VI-B EHA Div. of Sp. Ed Iowa State Dept of Public Instruction	
5) How does a parent learn the hearing request method?	The LEA determines the hearing request method and informs the parent.	LEA and state-provided brochures inform parents that they must submit a signed letter indicating the request.	The SEA informs parents that they must formally file an affidavit with the state agency	
6) Do you encourage parents to be represented by a lawyer at a hearing? Do most parents bring a lawyer to the hearing?	It is the parent's decision to be represented by a lawyer.	State informs parents of pros and cons of having a lawyer. Most parents do bring a lawyer to the hearing.	Parents are informed of and referred to a legal aid society.	
7) May child be served without parent consent?	No. If parent refuses, Federal Register 121a533(b) and 121a571(c) dictate that LEA may request procedure.	1)Child remains at status quo if no consent is signed. 2) LEA helps guide parent toward realizing need for placement. 3) In severe need, SEA encourages LEA to act.	No. Consent must be obtained before a child may be served and before changes in placement	

Person Contacted: ISSUE:	Carol Kervick Director Bureau of Sp. Ed. Appeals Boston MA	Dr. John Braccio Supervisor for Compliance and Approval Sp. Ed. Services Michigan State Dept. of Ed.	Kenneth Kœhli Chief Classificatio n Officer Division of School Programs Bureau of Sp. Ed. and Pupil Personnel, Trenton NJ	
5) How does a parent learn the hearing request method?	The LEA informs parents that a hearing is requested after the followi ng: 1) Parent erejects evaluation and IEP, LEA notifies regional person and central office. 2) Pre-hearing conference If not mediated then: 3)Formal wr itten hearing request. 4) Case numbered and entered on calendar.	Intermediate level personnel, LEA and the EPPC chairperson inform parents they must send a wr itten complaint requesting a hearing. (Must be sent by registered mail and quote sections of the law which apply to complaint.)	The LEA informs parents they may request a hearing by a simple letter.	
6) Do you encourage parents to be represented by a lawy er at a hearing? Do most parents bring a lawy er to the hearing?	State sometimes encourages parents to bring lawy er. Parents are advised initially to consult wi th advocacy groups and then, if necessary seek legal counsel.	Lawy ers represent parents very infrequently, State advocacy organizations come as advocates.	SEA does not encourage parents to bring lawy e rs. In the last 40 cases, both parties w r e represented by legal counsel.	
7) May child be served wi t hout parent consent?	No. Consent must be obtained from the parent, surrogate parent, guardian, etc.	If parent does not sign consent form, consent is acknowl e dged.	No. Consent must be in wr iting. If parents don't reply, LEA may request a due process hearing.	

Person Contacted: ISSUE:	S. J. Bonham, Jr. Director Div. of Sp. Ed. Ohio St. Dept. of Ed.	Linda O'Connor Asst. for Right to Education Bureau of Sp. Ed. Harrisburg PA
5) How does a parent learn the hearing request method?	The LEA informs parents they must request a hearing in writing. (No forms.)	The LEA uses forms inserted in SEA-developed notices to inform parents on how to request a hearing. The parent completes the form and returns it.
6) Do you encourage parents to be represented by a lawyer at a hearing? Do most parents bring a lawyer to the hearing?	SEA does not encourage parents, but most parents do bring lawyers.	Parents are informed that they may have a lawyer. Parents in urban areas usually have a lawyer, while parents in more rural areas less often have a lawyer.
7) May child be served with parent consent?	Parents must give consent. When parent hasn't replied or objected within 30 days, this constitutes consent. (State must document attempts to receive consent.)	Parents are informed that if permission is not received within allowed number of days it is considered consent.